IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 40 OF 2005

Sou. Preeti Eknath Kandale .. Applicant

Vs.

Shri Eknath Keshav Kandale .. Respondent

Mr. Sandesh Patil for applicant.
Ms. Smita Gaidhani for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : August 05, 2005.

P.C.:

1. This application was moved by the applicant-wife praying for transfer of petition under Section 9 of the Hindu Marriage Act 1955 filed by the respondent-husband in the Family Court at Pune. The petition was numbered as Petition No.103 of 2004.

2. During the course of hearing it was suggested that the spouses explore the possibilities of putting an end to the matrimonial disputes and with the active support of the learned counsel for them, the spouses realised that the marriage had rescinded and, therefore, it was in the interest of both of them to

separate by consent. Accordingly, they discussed the terms of the settlement amongst themselves with the help of the learned counsel and the terms were finalised. The consent terms have been reduced in writing and placed before this court. They have been signed by both the spouses and their respective counsel. The consent terms were marked as "X" for identification. Both the parties have agreed to withdraw the cases filed against each other and the respondent-husband has agreed to pay an amount of Rs.5 lacs as full and final settlement of the maintenance amount to the applicant-wife. The applicant-wife, in turn, agreed that on receipt of the said amount, she waives off her right for future maintenance of any kind. The husband, in turn, has agreed to deposit the amount of Rs.5 lacs in the Family Court at Pune on or before 26th August, 2005. An application would be submitted in Marriage Petition No.103 of 2004, presently pending before the Family Court at Pune, to convert it into an application for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 and the deposited amount of Rs.5 lacs would be withdrawn by the applicant-wife as soon as the decree

of divorce is granted.

3. The consent terms are in the interest of both the parties and undoubtedly they shall be binding on them. This application, therefore, stands disposed off in terms of the consent terms and the parties shall take further steps early.

(B.H. Marlapalle,J.)